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RELIGION

Unitarians first to endorse same-sex marriages

Gannett News Service

INDIANAPOLIS — The Unitarian Universalist Association on Tuesday became the first religious denomination to endorse same-sex marriage.

A 97 percent majority voted for the resolution — titled "In support of the right to marry for same-sex couples" — as the Unitarian's General Assembly finished its annual five-day meeting.

A Hawaii court's decision to consider the legal status of the marriage of two men rekindled debate on same-sex marriage in recent months. Conservatives have pushed bills that would limit the definition of marriage to a union between one man and one woman.

So-called Defense of Marriage Acts have been considered in 39 states, according to the association, with 17 legislatures rejecting the bills and 10 adopting them. Bills are pending in a dozen other states.

Congress is considering a bill that would deny federal benefits to same-sex couples. It has President Clinton's backing.

But Henry Martens, a delegate from White Plains, N.Y., fears the resolution will stigmatize the association.

"I passionately believe that homophobia must be fought," Martens said. "Redefining the term of marriage is not the way to do it."

Instead, he said, it will lead to an "increase in homophobia and our denomination will be held up to scorn and ridicule."

Delegates first endorsed the resolution Monday after association president the Rev. Dr. John Buehrens stopped the plenary session and pushed for approval. Tuesday, as the measure was considered for final approval, some delegates objected to the breach of the association's rules of order.The 205,000-member organization also endorsed a resolution expressing "outrage at the desecration and destruction of churches, synagogues, mosques and other houses of worship and sacred sites in the United States, particularly African-American churches."

■ **GAY MARRIAGES:** "Marriage" means the union of one man and one woman, the House Judiciary Committee said, sending the full House a bill that would leave no room for federal recognition of gay marriages. The bill would deny gay couples all federal rights and benefits set aside for married couples, including the right to file joint tax returns and receive Social Security and Medicare.

Same-sex marriages are not legal in any state. But if Hawaii, where the law is under challenge, or any other state allows them, other states would be obliged under the Constitution to recognize them as well.

News services

6/13/96

4, 1996

STATE

THIS WEEK UNDER THE DOME

Same-sex marriage ban heads to Romer: House members approved a minor change in HB1291, banning same-sex marriages and sent the bill to Gov. Roy Romer, who has 10 days from the time he receives it to act on it.

1996

COLORADO LEGISLATIVE SESSION

The bill mirrors scenes being played out in at least 20 states, which are considering similar legislation.

Romer declined comment until he sees a final version of the bill sometime late this week. He has not indicated what action he will take, but several weeks ago he said he thought it was unnecessary.

The measure cleared the House late last month with a two-vote advantage and then cleared the Senate on Tuesday on a 20-14 vote. On Wednesday, the House approved the final version of the bill, 36-27. It included a Senate amendment that said no additional money can be spent to defend the legislation against legal challenges.

GUEST CARTOON

6/11/96

Jeff MacNelly/Chicago Tribune

Asay's View will return June 12.

GAZETTE TELEGRAPH 3/26/96

Gay-marriage ban vetoed

Romer seeks the middle ground in heated debate

Associated Press

Gov. Romer Romer, at a news conference Monday in Denver, announces his veto of legislation banning same-sex marriages.

By **Angela Dire**/Gazette Telegraph

DENVER — Gov. Roy Romer on Monday vetoed a bill that sought to strengthen Colorado's ban on same-sex marriages.

Then, trying to steer a polarized and increasingly shrill debate to middle ground, the governor suggested a compromise. He proposed legislation that declares marriage between a man and woman as "the strong public policy of the state" but that also begins a study on ways for the law to recognize the "long-term, committed" relationships of homosexual couples.

"There is a longstanding, historic, cultural, religious and civil tradition for the institution of marriage, and we should continue that tradition," Romer said at a news conference in his office. "But what do we do when we look across the church congregation, our service clubs, or our workplace and see a gay or lesbian person, a human being who commits to sharing life with a person of the same sex? Do we condemn them? Shouldn't they be able to live their lives to the fullest in a responsible and caring way?"

Though his veto would be difficult for lawmakers to overcome, the governor promised: "Send me a bill with the two changes, and I will sign it." But he called the current proposal "mean-spirited and unnecessary."

"The way the bill is drafted is to ban same-sex marriages alongside bigamy and incest," he said. "Let's be honest. Some support this bill because it is a way to single out and condemn the lifestyle of gay and lesbian people."

Romer's decision puts to rest — if only temporarily — the most contentious issue of the legislative session. But for all the passion it inspired, House Bill 1291 wouldn't have had much practical impact. Colorado law already prohibits members of the same sex from receiving a marriage license.

Conservative lawmakers sponsored the bill only to strengthen Colorado's ban — for fear Hawaii soon may legalize same-sex marriage. Fed-

See **VETO**/A3

Veto/Gay-rights foes lash out at governor

From A1

eral law requires Colorado to honor a legal Hawaiian marriage, the same way the state must honor a Hawaiian driver license.

Legislators had expected the governor, who has supported gay-rights issues in the past, to veto the bill. But they seemed unprepared for what amounted to a counteroffer.

"I don't know what I'm going to do," said Rep. Marilyn Musgrave, R-Fort Morgan, who sponsored the bill and took offense at the governor's characterization of it. "Anytime you hear the term 'mean-spirited' thrown around these days, it's so much politically correct garbage."

Gay-rights opponents offered swift rebukes for Romer.

"The governor is trying to appear reasonable when in reality he is still stabbing the man-woman relationship in the back by wanting domestic partnership validated," said the Rev. Lou Sheldon of the Washington, D.C.-based Traditional Values Coalition, which has led campaigns against same-sex marriage across the country. "You can't have it both ways, and that's what he's trying to do."

Despite the governor's affirmation of traditional marriage, Will Perkins, the chairman of Colorado for Family Values, criticized Romer for being "in the pocket of the homosexuals."

Perkin's Colorado Springs-based group drafted Amendment 2, a 1992 measure that would prohibit state and local governments from protecting gays against discrimination based on their sexual orientation. Approved by a solid majority of Colorado voters, it never took effect and is now under review by the U.S. Supreme Court. Romer opposed that measure as well.

"We've had a general election and now a bill passed by the entire Legislature," Perkins said. "I would say (Romer is) a very slow learner."

Gay activists, while disappointed that Romer stopped short of supporting gay marriage, nonetheless were more conciliatory than their opponents.

"There's a small bit of recognition that these relationships do exist and that they exist in the same spirit as heterosexual married couples exist," said Leslie Reed, a resident of Loveland and a lesbian, as she held her lover's hand during a news conference after the governor's announcement.

Gays have made some gains on the domestic front. Same-sex couples are allowed to register as "domestic partners" and participate in nonbinding civil ceremonies in a few cities such as San Francisco. They receive the same benefits as married heterosexual couples from a handful of private companies such as Levi Strauss.

But a marriage license, with all its symbolic and practical privileges — from the right to act on behalf of a dying spouse to the option of filing a joint income tax return — is something that remains out of reach for same-sex couples.

A groundbreaking lawsuit against Hawaii may change that. Three gay couples sued the state in 1990, contending that its ban on same-sex marriage violates the Hawaii Constitution. In a 1993 decision, the Hawaii Supreme Court agreed. The justices have sent the issue back to a lower court for a full trial.

The outcome of the case is significant for all 50 states because under the U.S. Constitution, they are compelled to honor each other's public records and proceedings — including marriage licenses.

That has escalated an already bitter national battle between gay activists and their chief opponent, Christian conservatives.

Fearing that gay couples from all over the country will rush to Hawaii to get married, conservative Christian groups have organized a campaign to keep other states from recognizing same-sex marriages performed outside their boundaries.

Unless the General Assembly and the governor can agree on what to do next, the issue of same-sex marriages may be left for voters to decide.

If so, Colorado voters could once again find themselves in the firing line between gay activists and their opponents — just as they were four years ago with Amendment 2.

But the battle over gay marriage could be even more intense.

"It's a defining moment in American history," said Sheldon.

"The final frontier of freedom," as one gay activist put it.

WHAT'S NEXT

Since the bill banning same-sex marriages passed with close votes in both the House and the Senate, it is unlikely supporters can muster the two-thirds majority in each house to override the governor's veto. Nor are they likely to rewrite the bill as he suggested. That leaves legislators with two options: let the issue die or try to put it on the ballot for November's general election.

Gazette Telegraph

TUESDAY, MARC

COMMENTARY

Must society redefine its meaning of matrimon

SAME-SEX MARRIAGE

Background: Even after Gov. Roy Romer's veto Monday of HB1291, which sought to ban same-sex marriages, the debate is far from over. The bill — and others like it nationwide — have come partly in response to a court case pending in Hawaii. Three gay couples are suing that state to force recognition of their marriage. Some state policy makers, including some in Colorado, worry that the U.S. Constitution's "full faith and credit clause" will require recognition of same-sex marriages, if such unions win approval in Hawaii.

At issue: Will all states have to honor same-sex marriages performed in Hawaii if courts rule for the gay couples? What sort of financial and legal benefits, like joint tax returns and insurance benefits, should homosexual couples be entitled to? If same-sex couples are allowed to marry, will government be forced to acknowledge other unconventional unions, like polygamy?

The quandary: Should states be forced to recognize same-sex unions if they offend public values? Is it discriminatory to deny two people of the same sex a marriage license? Finally, how far should — or could — government become involved in personal relationships?

What's government's role?

The cry for same-sex marriage comes from a claim of discrimination. You hear things like homosexuals can't visit their dying mates. That's a bunch of malarkey because through contractual arrangements, you can prepare for those situations under current law. Anybody can make those kinds of arrangements. Homosexuals can enter into lifelong agreements; they can make wills; they can name beneficiaries under their insurance.

When you remove the boundaries of marriage and you redefine it as any sharing, caring people caring for each other — and you accommodate all the orientations that are out there so there's no group that can claim discrimination — then anything goes. This is definitely a watershed issue in terms of where we are headed as a society.

— Will Perkins
Colorado For Family Values
Colorado Springs

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GAY COUPLES WANT equal recognition of their relationships. For a couple that's been together for many years, there are problems with deathbed access, for instance, with visitation — someone sometimes has to make a decision to pull the plug. Even if they have arranged contracts and wills, it's possible for a family member to come in and usurp the wishes of the person who's dying or is very ill. So, there's a question about the legal rights of the long-term partner.

The founding fathers certainly represented the majority view at the time they formulated the Constitution, but they also realized that the minority had to be protected from the majority.

— Frank Whitworth
Ground Zero
Colorado Springs

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WHY SHOULD YOU or the government care if the two men next door want to get married? You shouldn't, and neither should the government.

Why should you or the government care if the man and woman across the street want to get divorced? You shouldn't, and neither should the government.

If it's family values you want, gay marriage delivers. It encourages stable relationships, two-parent households and long-term commitment. Gay activists say it also would do everything from lowering the risk of AIDS to easing alcohol problems to eliminating the social pressure on closet gays to marry heterosexuals, which they say would lower divorce rates.

Most of all, it would provide self-esteem to people who feel discriminated against. It also would be the fair thing to do.

— Michael Gartner
Ames (Iowa) Daily Tribune
Gannett News Service

Is marriage the answer?

Underlying the homosexuals' quest is a fundamental mental misunderstanding of marriage. Biblically, it is a lifelong commitment before God between a man and woman who were charged with the commandment: "Be fruitful and multiply." And just as God blesses the marital relationship, society invests in it by granting the couple certain financial and legal benefits. Why?

Because matrimony is likely to produce a greater good, namely children, which are necessary for any society's existence. We value children so much that we encourage married couples to bring them into the world by granting them tax breaks, insurance benefits and legal protections.

The assumption of procreation remains the single reason for granting benefits to married couples. But homosexuals, clouded by their inability to produce offspring, see marriage only as a reservoir of financial perks that they have yet to tap. And while they look to the advances of biotechnology as a remedy to their inability, nothing in that field can substitute for the miracle of natural conception. . . . If we expunge the assumption of procreation from the marital formula, polygamists will darken the doorsteps of every Las Vegas-type preacher in America. We will have no reason to prevent incestuous marriages, and marriage as an institution will be rendered meaningless.

— Martin Mawyer
Christian Action Network

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GAYS HAVE SEVERAL good reasons for wanting the security and legal and social recognition of marriage.

They want the legal and financial benefits that come with marriage: Social Security and pension benefits. The health insurance benefits. Tax advantages. Inheritance rights. The rights to share in health decisions, to visit partners in hospitals and jails. Clear parental rights. Bereavement leave when a partner dies. For many homosexuals, the primary yearning for marriage is simply a desire for lasting, legal commitment and a marital status that testifies to their love before all the world. . . . These rights and benefits can be provided by legalizing what is now awkwardly called "domestic partnerships," or publicly committed loving unions. But expanding the concept of domestic partnerships and pushing their acceptance by employers, government and society would help. And it would not dilute the sanctity of marriage, as the world has generally understood it for millennia.

— Joan Beck
Chicago Tribune

Is it really all about politics?

Pat Buchanan has made the same-sex marriage issue his own through his fervent opposition and has only reinforced, among gay Republicans, the anti-gay message they heard in 1992. The fear among gays is that the visceral reactions that same-sex marriage invokes may lead to an even bigger debacle than the debate over whether gays could openly serve in the military. And that any resulting public outcry could have broader social and political implications for the lives of gays and lesbians.

— Delia M. Rios
Newhouse News Service

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THE BACKLASH AGAINST gay marriage ultimately will backfire. Voters still uneasy with the notion of recognizing gay relationships tend to be even less comfortable with political attacks on gay people. And slick packaging isn't enough to sell prejudice to most of the nation.

— Deb Price
The Detroit News

The Associated Press

At a Washington, D.C., rally, same-sex couples undergo an interfaith wedding ceremony. Should the state make such unions official?

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Gazette Telegraph 3/26/96

— Tony Ko...
Colorado Springs

SAME-SEX MATRIMONY

Marriage comparison was way out of bounds

This is in response to Matthew A. Tonjes' letter headlined "Same-sex ban is like ban on interracial couples," (Tell it to the Gazette, March 21):

The issue of same-sex marriage is not complicated; it lays out very easily. On one side, we have the accepted joining of a man and a woman. It's been this way for centuries and has never been disputed by society, religion or government. On the other side, we have the unnatural bonding of a man and a man or a woman and a woman. This side has been looked poorly on by the majority of society, shunned by the government and labeled an abomination by religion.

And yet, Tonjes says he is confused. He brings up that scientists have seen squids of the same sex having intercourse, and he goes on to compare this to human behavior. And he says the law banning same-sex marriages is identical to those that outlawed interracial marriages. He is wrong.

Society does not cringe at the thought of a child growing up in an interracial household but does at the thought of having children grow up with two fathers. I have little or no interest in the sexuality of a squid and see no similarity to human comportment. The bottom line is that homosexuality and same-sex marriages are unnatural and have no place in organized society.

Comparing a man marrying a man or a woman marrying a woman to interracial couples, and the sexuality of a squid, is not only ridiculous, but hilarious. No wonder Tonjes is confused.

— **Brian Marc Somma**
Colorado Springs

ROCKY MTN NEWS 3/26/96

'I now pronounce you domestic partners. You may consummate the relationship.' — **Mayor Willie Brown**

Sam Morris/Associated Press

Jan Stafford, left, and Maxine Kincora wait to be declared domestic partners in a marriage-like ceremony Monday in San Francisco.

175 gay, lesbian couples 'wed' in San Francisco

Reuter

INSIDE
■ Gay-marriage ban vetoed/**4A**

SAN FRANCISCO — About 175 gay and lesbian couples symbolically tied the knot Monday as San Francisco held the nation's first mass "gay marriage" ceremony.

About 20 couples at a time filed onto a stage at the city's temporary City Hall, where they were pronounced lifelong domestic partners in rites performed by Mayor Willie Brown and members of the city's governing Board of Supervisors.

"I now pronounce you domestic partners. You may consummate the relationship," Brown said at the ceremony, held on a stage decked with flowers, a large American flag and a 15-piece orchestra.

The mass ceremony made San Francisco the first U.S. city to recognize gay partnerships with a civil ceremony. The ceremony has no legal weight.

Under the new city law, couples who register with the city as domestic partners may have a civil ceremony performed by a city official for $30.

Legislature '96

Tonia Twichell, Legi[illegible] Editor — 892-5223 • **e-mail** — metro@denver-rmn.com

Veto [illegible]raws mixed reaction

Contempt, praise greet governor's rejection of same-sex marriage bill

By Dick Foster
Rocky Mountain News Southern Bureau

The old wounds of Colorado's Amendment 2 battle seemed to open anew Monday after Gov. Roy Romer vetoed a bill that would have banned same-sex marriages.

Romer was variously praised and condemned.

Focus on the Family, a Colorado Springs-based Christian ministry that condemns homosexuality, called Romer's veto disappointing.

Spokesman Lawrence F. Burtoft said Colorado law recognizes marriages from other states and would therefore sanction same-sex marriages if another state permitted them. None now does.

"We believe marriage is the cornerstone of the family, and we support social policy that strengthens marriage, and we believe opening marriage up to same-sex couples moves in the exact opposite direction," he said.

Colorado for Family Values, the group that in 1992 authored Amendment 2, which banned anti-discrimination laws for homosexuals but has since been declared unconstitutional, called for placing the ban on the November ballot to circumvent Romer's veto.

"You have a governor who says it doesn't make any difference what the people think. He considers himself unaccountable to the people," said executive director, Will Perkins.

"I would hope the legislature would put a referendum on the ballot so once again the people can express their opinion."

But Sue Anderson of Equality Colorado, a civil rights group focusing on lesbian and gay issues, said legislators have indicated a lack of interest in further action this session.

Anderson said Romer's veto put forth an important message.

"He says over and over that marriage is only for a man and a woman, but he also says clearly that same-sex relationships are part of the fabric of our society and should be recognized," she said.

Romer's call for a commission to study such recognition was called a reasoned approach by Rabbi Steven Foster of Temple Emanuel in Denver.

"I'm really not prepared to say whether I think we should recognize same-sex marriages or whether they should be in the same genre as heterosexual marriage, and I think to rush something through the legislature would have been a mistake," Foster said.

"I think what the governor is asking for is for everybody to have cool heads and not get into the same posture that we all got into on Amendment 2," he said.

Once voters approved Amendment 2, the state became the subject of a national boycott. The amendment is being considered by the U.S. Supreme Court.

Utah, South Dakota ban gay marriage

A court battle over same-sex marriages in Hawaii is the reason Utah and South Dakota have passed laws reaffirming their marriage laws and 20 other states like Colorado are considering it.

In May 1993, the Hawaii Supreme Court ordered state officials to demonstrate a "compelling" reason for denying marriage licenses to three same-sex couples.

No state currently recognizes marriages except those between a woman and man.

A lower court is expected to hold a hearing in July based on the Hawaiian Supreme Court order. But many legal experts say the court battle will last as long as three years.

It then will shift to the federal level, possibly going to the U.S. Supreme Court, to determine whether all states must recognize a marriage between homosexual couples if one state authorizes it. States recognize heterosexual marriages performed in other states.

— John Sanko

STATE

Senate OKs gay marriage ban

House must vote again on controversial measure

Associated Press

DENVER — In an emotional scene similar to others being played out across the country, the state Senate on Tuesday approved a bill banning same-sex marriages despite arguments it was a slap in the face to gays.

HB1291, by Sen. Ben Alexander, R-Montrose, won final approval on a 20-14 vote.

The vote makes Colorado, the home of Amendment 2 — a constitutional ban on laws that protect gays from discrimination based on their sexual orientation — a front-runner in plans to ban same-sex marriages.

Similar bills have been introduced in 20 states. Six measures have been killed, and one clarifying that a legal marriage is between a man and a woman was signed by the governor in South Dakota. Utah passed legislation last year to clarify its prohibition of same-sex marriages.

The marriage debate pits civil rights against states' rights. Supporters say the laws are needed to protect state sovereignty, while opponents compare it to the civil rights battles of the 1960s and the singling out of a minority group for discrimination.

"We're talking about whether government should be imposing a restriction on people's choice," said Evan Wolfson, an attorney with the Lambda Legal Defense and Education Fund. "Beyond that, this bill is not just about marriage. This bill is about saying that gay people have no equal rights across the country."

Alexander reiterated arguments made by legislators supporting the bills in other states — that the legislation is nothing more than an effort to maintain the status quo.

"This is not a bill about morality; it's not a bill about religion. It's a bill about legal status," Alexander said. "We're just basically reaffirming current policy in Colorado."

Gov. Roy Romer has not said whether he will veto the bill, which must be approved by the House again because of a minor Senate change. It cleared the House late last month.

The legislation is spurred by a case in Hawaii, where three gay couples sued to force recognition of their marriages. The Hawaii Supreme Court has said the state must demonstrate a compelling interest to continue its ban on same-sex marriages.

The complexity of the issue is illustrated in Hawaii, where one house has approved a constitutional amendment specifically defining marriage as between a man and a woman and the other house has OK'd recognition of domestic partnerships.

Because the Constitution requires states to recognize marriages performed in other states, a national effort was launched to head off forced recognition of such marriages if the couples in Hawaii prevail.

"This is a states' rights issue," Sen. Charles Duke, R-Monument, said during debate on the bill. "Other than passing this bill, we sacrifice our sovereignty to a judge in Hawaii."

But the debate was not so clear-cut for other senators, who fielded hundreds of calls and letters on both sides of the issue.

"It is such a very difficult issue because for most people who have a traditional view of marriage, the definition of marriage is historic (between a man and a woman) and doesn't change much," said Sen. Dottie Wham of Denver.

"But to reaffirm that . . . without being unnecessarily hurtful to other people makes this a decision full of anguish for all of us."

No state authorizes same-sex marriages.

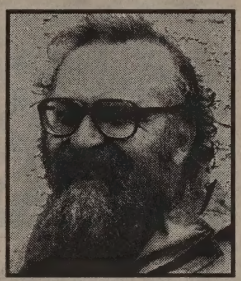
Colorado's Amendment 2 never went into effect, pending a court challenge. The U.S. Supreme Court has heard arguments on its constitutionality and is expected to rule sometime this year.

by Ed Quillen

Do We Need Protection From Gay Marriage?

You have to wonder why our legislature toils so arduously to protect us from the threat of gay marriage — which is already illegal in Colorado. However, a pending court case in Hawaii could legalize such marriages there. Our federal constitution provides that "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State."

This means that marriages which aren't legal in Colorado, but are recognized in other states, are valid in Colorado.



For example, Coloradans must be at least 18 years old to marry without parental consent. But a 17-year-old Mississippi boy can marry a 15-year-old Mississippi girl without anybody's permission, and they could then move to Colorado and live legally as husband and wife — even though their wedding license could not have been issued here.

Similarly, Colorado finds marriages between first cousins to be morally repugnant and does not allow such unions. But New Mexico does, and those couples have moved to Colorado without getting arrested for illicit cohabitation.

... Why do we need protection from homosexual marriages, when the legislature doesn't think we need protection from rapacious corporations, water-greedy Front Range cities and sprawl-minded real-estate developers?

And if the Traditional Values Crowd find that an abomination, where were they when televangelist and candidate Marion "Pat" Robertson last visited Colorado? His Virginia parents were first cousins, and if there were any purist pickets concerned about Robertson's close-knit family tree, I missed them.

The point: Even if we Coloradans don't really approve of some marriages that other states sanction, we put up with them. We'd probably figure out how to cope with the dread specter of Gay Marriages From Hawaii, too, but our legislature thinks we need protection.

At this moment, the Union Pacific Railroad plans to merge with the Southern Pacific and to rip out the railroad tracks west of Pueblo. The end of rail service in the mountains means the end of mining jobs that pay good wages, and it pretty well insures a burger-flipping Third-World tourist economy in central Colorado.

Somehow our legislature doesn't find any need to address that problem, even though the state constitution explicitly forbids such rail mergers and they all swore an oath to uphold that very constitution.

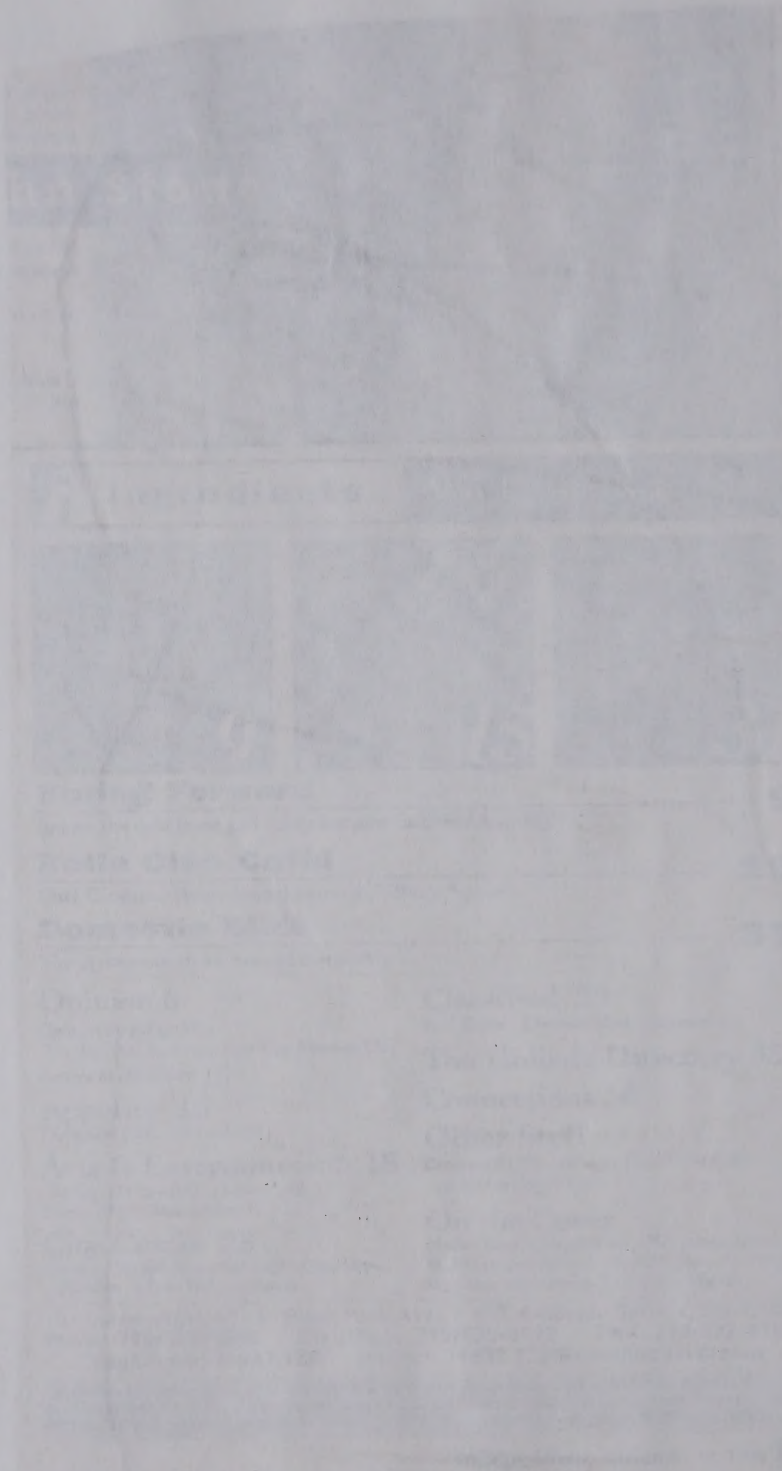
Look at other issues that affect your real life — job security, health care, land use, water allocation, air quality, highways, gunplay and you'll see that if the general assembly isn't ignoring the problem, then it's usually making matters worse. But our legislators are busy protecting us from the Threat of Gay Marriage.

Thomas Jefferson once observed, "It does me no injury for my neighbor to say that there are twenty gods, nor no god. It neither picks my pocket nor breaks my leg."

That seems like the appropriate attitude about gay marriages, too. It neither picks my pocket nor breaks my leg if the two guys who own the house down the street fly to Hawaii and get legally married and Colorado has to recognize their union, just as Colorado recognizes Mississippi marriages between teenagers and New Mexico weddings between first cousins.

So why do we need protection from homosexual marriages, when the legislature doesn't think we need protection from rapacious corporations, water-greedy Front Range cities and sprawl-minded real-estate developers?

Ed Quillen is a former newspaper editor, currently publisher of* Colorado Central, *a regional monthly magazine. He lives in Salida. You can reach him at INTERNET: coloctl@rmii.com



Senate panel passes bill banning same-sex marriages

3/5/96 Gazette

By **Angela Di**
Gazette Telegraph

DENVER– A bill that would prevent the recognition of same-sex marriages under Colorado law narrowly passed a Senate committee Monday and is headed for an emotional and closely contested fight on the Senate floor.

If it does become law this year, the measure likely will set the stage for another exhaustive court battle much like the one over Amendment 2 — Colorado's ban on laws that protect gays from discrimination based on their sexual orientation, which is now being reviewed by the U.S Supreme Court.

A lobbyist told lawmakers Monday that if they pass HB1291, they can expect a swift and immediate challenge from gay-rights groups.

"We in Colorado have been in this position before," said Patrick Steadman, a lobbyist for Equality Colorado, a gay-rights advocacy group. "There is no reason to believe they will not return to court and defend themselves from what they perceive to be an attack on their rights."

But Republican members of the Senate State Affairs Committee passed the bill on a party-line vote, resisting an attempt by a Democratic senator to kill it.

"The fact is, this state and this state alone has the ability to decide what (marriages) it recognizes and what it doesn't," said Sen. Charles Duke, R-Monument, who voted for the bill.

"We should not allow judicial activism in another state to determine social and moral policy in the state of Colorado."

The controversy arises from a decision by the Hawaii Supreme Court. Last year, it ruled that laws prohibiting members of the same sex from obtaining a state marriage license violate the Equal Protection Clause of the U.S. Constitution because they discriminate on the basis of gender. The Hawaii high court has sent the case back to the lower court for a trial to determine whether the government has a compelling reason for denying gays the right to marry.

The case could have a bearing on other states because, as a general rule, states honor each other's marriage licenses. However, no state currently recognizes same-sex marriage.

Conservative Christian groups and others opposed to homosexuality are pushing for laws that would allow one state to invalidate another state's same-sex marriage. So far, Utah and South Dakota have passed such legislation.

Gay-rights activists argue that the law is unnecessary because Colorado already does not recognize same-sex marriages.

But the bill's sponsor disagreed.

"Colorado needs to control its own destiny in this area," said Sen. Ben Alexander, R-Montrose, who co-sponsored the bill.

COMMENTARY

Gays saying 'I do' bring 'Not here' from lawmakers

Her best friend was married in a church; hundreds of friends and relatives were gathered in celebration.

Nori Rost sobbed throughout the ceremony. But they were not typical wedding tears — they reflected a deeper conflict.

"I can never have this," Rost thought.

Even then, at age 18, Rost knew she was gay.

Nonetheless, in 1992, Rost finally obtained what she thought she could never have: a church wedding. Her partner was another woman, Kim Stephens.

RAYMOND McCAFFREY

Their reasons: the same ones that heterosexual couples give when they get married.

"They would tell you, 'We love each other, we want to make a lifelong commitment, and we want to raise a family,' " Rost said. "And those were our reasons as well.

"When Kim and I began dating, we knew very early on that we wanted to make a lifelong commitment . . . and ask God's blessing."

Yet, in another sense, Rost, a 33-year-old ordained minister based at the Pikes Peak Metropolitan Community Church, still can't have what her best friend enjoyed with her wedding. Rost's marriage to Stephens is not legal in Colorado, nor would there appear to be a possibility of that happening any time soon.

In a move aimed at solidifying existing law, the state House last week passed a bill prohibiting same-sex marriages in Colorado. The legislation still needs to be ratified by the state Senate before the bill becomes law.

The move was backed by Colorado for Family Values, the group that created Amendment 2, the voter-approved ballot initiative that would prohibit laws that protect gays from discrimination based upon their sexual orientation. Will Perkins, the organization's executive board chairman, said the bill is aimed at making sure that Colorado would not validate same-sex marriages performed in other states. Currently, no state recognizes such marriages, but that could change in Hawaii, Perkins said.

Why should gays be prevented from obtaining legal marriages? Perkins believes legalizing them would do no less than undermine "the very foundation of our culture."

Rost, who feels that gays should be able to enjoy the legal benefits of marriage, maintained that the bill is "trying to legislate bigotry."

The matter of same-sex marriages might turn out to be the next big topic to emerge in the gay-rights debate, particularly since other issues on that front seem to be out of the public's hands. The U.S. Supreme Court will decide the constitutionality of Amendment 2. Likewise, the courts will probably have the final say about gays in the military. But same-sex marriage is a relatively fresh topic, probably because it has been so long a taboo.

That stigma explains the uproar recently when the TV situation comedy, "Friends," aired a show focusing on the marriage of two lesbians. Certainly, some viewers didn't think this was a laughing matter.

Yet, the fact that the "Friends" episode aired at all tells us something about the changing mores in our country. There was a time when husbands and wives on TV shows all seemed to have separate beds. But, gradually, all the old taboos appear to have fallen. "NYPD Blue" has given us nudity and profanity and a cast that never seems to sleep alone.

That "Friends" focused on a lesbian marriage is significant. We're not talking about a late-night cable program. Not only does "Friends" air at 7 p.m. in Colorado Springs; some weeks, it's the most-watched TV show in the country. If our "Friends" don't have a problem with gay marriages, can our state legislatures be far behind?

Not if folks like Perkins have their say.

"It isn't just a matter of homosexuality," Perkins said. "You're talking about redoing the whole

See **GAYS**/B2

Mary Kelley/Gazette Telegraph

The Rev. Nori Rost, left, and her spouse, Kim Stephens, are the parents of Sam, 5½ months.

Same-sex marriages lack support

Associated Press

DENVER — Colorado would continue to refuse to recognize same-sex marriages under a controversial bill approved by a legislative committee Tuesday.

Several lesbian and gay couples testified before the House State Affairs Committee about their relationships, saying they are no different in loving and caring than traditional couples.

And Dr. Paul Cameron of the Family Research Institute of Colorado Springs said failure to pass the bill could lead to additional dilution of the family and more "cohabitation, or shacking up, whatever you want to call it."

That drew a rebuke from Rep. Bryan Sullivant, R-Dillon, who said Cameron's characterization was "enormously objectionable."

Will Perkins, chairman of Colorado Springs-based Coloradans for Family Values — which spearheaded the Amendment 2 drive — spoke briefly in support of the bill.

Under current law, Colorado does not recognize or honor lesbian or gay marriages. Rep. Marilyn Musgrave, R-Fort Morgan, said if a legal challenge to that policy is won in another state, Colorado would be required to recognize couples married in that state if they move to Colorado.

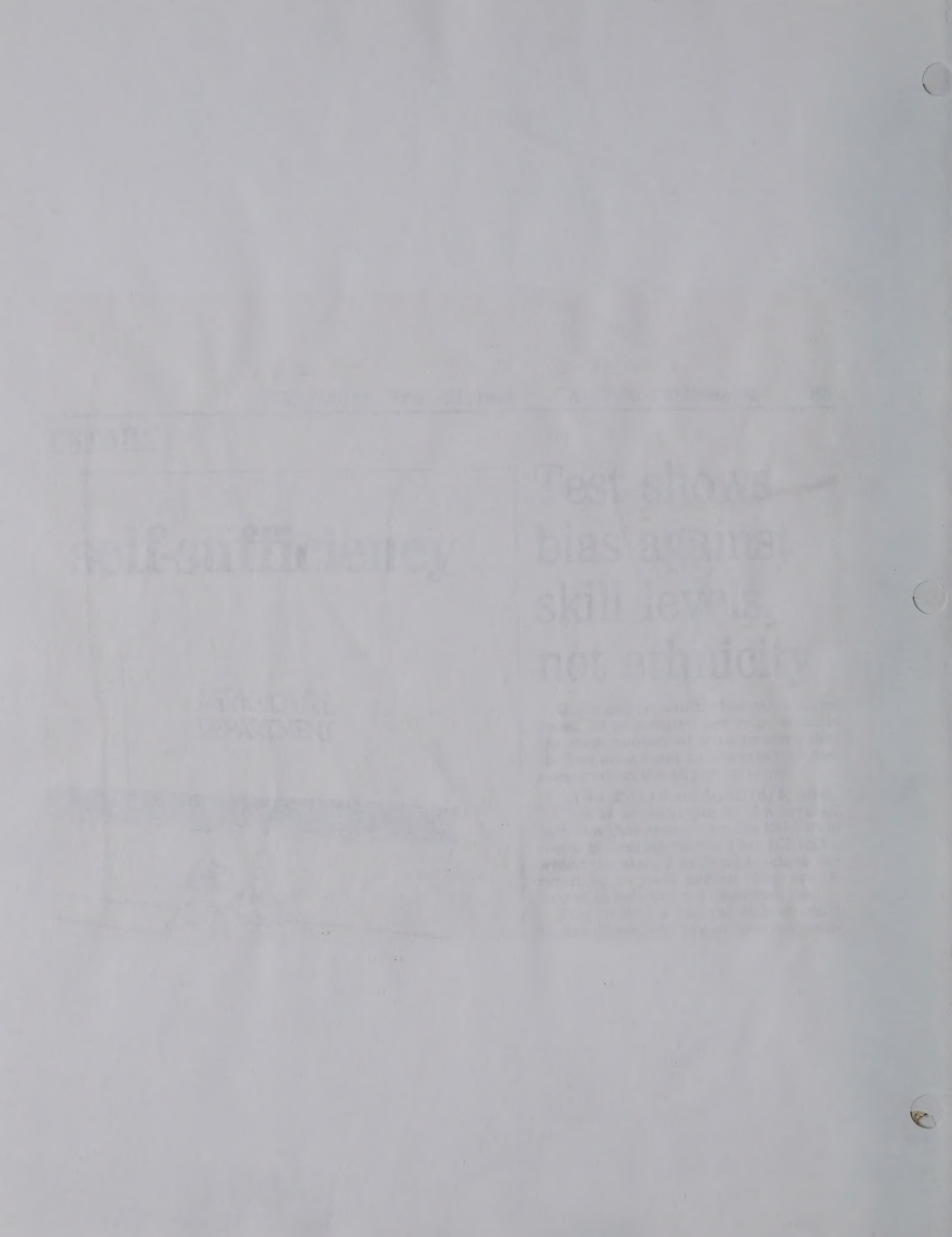
Her bill, HB1291, was approved on a party-line 7-4 vote, with majority Republicans dominating.

"It's a simple bill," Musgrave told the committee. She said it added another prohibition against certain types of marriage in the state. The other barred marriages involve bigamy, polygamy and incest.

"I do not think Colorado laws should be driven by a law in another state," she said.

Most opponents said the bill was divisive and would continue the rift between homosexuals and heterosexuals.

Pat Steadman of the Equality Lobby said Colorado's law against same-sex marriage would help create "a patchwork" of problems where such couples would be told "now you're married, but now you're not."


Test shows
bias against
skill level,
not ethnicity

planation with this sentence: "Such unions are condemned in Judeo-Christian Scripture." My question to the caption writer is when was the last time you studied the original language and context of the Judeo-Christian Scriptures?

My guess is that rather than being a Biblical scholar, the caption writer merely parroted what others have asserted without checking the truth of the statement. Even a cursory glance with a minimal understanding of biblical times reveals that such unions are indeed not even mentioned in Scripture.

In fact same-sex behavior is only mentioned a handful of times in Scripture, and in each case it is sexual behavior in the context of pagan worship practices that is condemned. More than 300 verses condemn heterosexual acts. Does that make heterosexuality as an orientation a sin? No. Does that make homosexuality as an orientation a sin? No. Does it mean that both heterosexuals and homosexuals can sin sexually? Yes.

Never in Scripture do we read that two men or two women met, fell in love, had a lifetime commitment ceremony and so were condemned to hell. In fact, as we read Scripture, we see God is greatly concerned with human relationships that are nurturing and healthy and loving. I find it ironic that those who purport to be leaders in their faith communities would also be leaders in refusing to acknowledge gay and lesbian commitment ceremonies that seek God's blessing, include vows of love and lifelong fidelity, and lift up a monogamous life commitment to one other person as a reason for celebration and joy.

Where is the sin in that? What is the condemnation for? Which part does God hate? Is it the desire to place the relationship under God's sovereignty? Is it the lifetime commitment part? The vow to be faithful?

And I find the irresponsible journalism indicated in such a blatantly misleading photo caption to be disturbing at best and dangerous at worst. The Judeo-Christian Scripture does not condemn homosexuality — only elements of the Judeo-Christian community.

— Rev. Nori J. Rost
Pastor
Pikes Peak Metropolitan Community Church

□□□

ON THE EDITORIAL page of Feb. 12, we have a submission by Dr. David W. Harris, who assails the union of two lesbians in a Jewish ceremony ("Jewish wedding or not, union defies ethical code," Tell it to the Gazette).

In my work for the University of California, Los Angeles, I have met many people within the gay/lesbian community. In this contact, I have found many committed same-sex unions and am pleased to say that "family values" and a "sanctity for life" are as dear to them (if not more so) as they are to the whole of society.

Like it or not, friends, ethics are defined by the living society and are therefore in a constant flux.

There is nothing unethical about acknowledgment and/or acceptance of the branch of society who, not by choice, are attracted to the same sex. Dr. Harris, please visit your local PFLAG (Parents and Friends of Lesbians and Gays). It is never too late to learn.

— Tim Hewitt
Graduate of Wasson High School and
University of Northern Colorado
Los Angeles

GT 2/15/96

Colorado Springs

SAME-SEX MARRIAGE GT 2/15/96

Bible doesn't condemn union, only practices

I am amazed at the sloppy journalism that was displayed in the Gazette Telegraph's Tell it to the Gazette section on Feb. 12. The caption under a photo of two men making a commitment to one another in San Francisco followed that ex-

2/12/96

96

TELL IT TO THE GAZETTE

SAME-SEX MARRIAGE

Jewish wedding or not, union defies ethical code

During a visit to Colorado Springs last month, I noticed the commentary in the Gazette Telegraph by Nat Hentoff entitled "Gay marriage stirred up constitutional battle" (Gazette Telegraph, Jan. 16). The article concerned the case of Robin Joy Shahar, a Jewish lesbian lawyer, who brought suit in 11th Circuit Court of Appeal against the attorney general of Georgia, Michael Bowers.

Shahar charged that Bowers had violated her "First Amendment rights of intimate and expressive association," as well as her "freedom of religion" by withdrawing an offer of employment after he had learned that she was planning to "marry" another woman. According to the article, the "wedding was to be a Jewish wedding, presided over by a rabbi from the Reconstructionist Movement," which Hentoff calls "a legitimate branch of Judaism."

Judaism's primary contribution to humanity has been the ethical code it was first to propagate among the nations, a code based on respect for the sanctity of life and insistence on sexual morality, a code which later served as the ethical foundation of both of its sister religions, Christianity and Islam.

It is ironic, to say the least, that a Jewish woman would cite her religion as a defense for an unnatural sexual liaison which is explicitly condemned by the holy scriptures of her own faith; and that a "rabbi," a leader of a Jewish congregation, would agree to consecrate such a prohibited liaison in a formal Jewish wedding ceremony.

GT photo

A couple makes it official at San Francisco City Hall: Such unions are condemned in Judeo-Christian scripture.

Such "rabbis" and secular leaders use Judaism as a cloak to hide their pursuit of their own political and social agendas, while they blithely go about their business of ignoring or perverting those transcendent values that are defined in Holy writ, values that have given Judaism its meaning and purpose, values that the ancestors of the Jewish people struggled to preserve and promote down through the ages.

Regardless of their title or position, those who would teach or condone the violation of such values are unworthy representatives of the faith they say they profess.

— Dr. David W. Harris
Chairman
American Jewish Assembly
Washington, D.C.

COURTS

Heterosexual men apply for marriage of financial convenienc

Honolulu Star-Bulletin

—HONOLULU — Two men who say they are heterosexual have applied for a marriage license in Honolulu, saying they want to enter into a relationship of financial convenience.

Lee McMullin, 39, and Rob Wilson, 35, who applied for the license, claim they are not homosexual and do not advocate gay rights. They said they wanted to marry for economic reasons.

"I'm never going to get a home if I don't change my financial situation," McMullin said. "I want to get the same rights afforded to other married couples. If the state is going to recognize nontraditional marriages, this is about as nontraditional as you can get."

Their application was received Tuesday and held at the state Department of Health's marriage license office, the same bureau holding the applications of several gay couples who wish to marry, said Barbara Hastings, the Health Department's communication director.

"Until the Supreme Court issues a ruling, we do not give a marriage license to same-sex individuals, whatever their sexual orientation is," Hastings said. "It has nothing to do with sexual orientation."

The Hawaii Supreme Court is deciding whether homosexuals have equal protection, guaranteed to all under state law, in marriage rights.

"I'm not homosexual. My roommate is not homosexual either," McMullin said. "But we decided to do this because we'd like to buy a house."

Wilson said, "This was my idea. The economic situation what it is today, it seems to be unfair that only heterosexual married couples are getting the benefits. I'm making a statement. If the state allows nontraditional marriages, they should allow this."

He acknowledged that he spoke with representatives of the Rutherford Institute, an anti-gay group, before deciding a week ago to apply for the license. "I don't think the state should give a thumbs up to gay marriages. . . . I think it's [illegible] of discrimination," Wilson said.

"My roommate and I have a relationship of trust," Wilson said, adding that they only agreed to apply for the license. "If we get a license, we have 30 days to decide whether to marry. Whether we will remains to be seen."

Gay activist Bill Woods criticized Wilson and McMullin. "They're making light of it by what they're doing today," said Woods, the director of the Gay and Lesbian Education and Advocacy Foundation in Honolulu. "I find it offensive. I find it a game what they're doing."

...porate profit margins are growing by leaps and bounds, and the benefactors of those increased margins are the presidents and CEOs who receive large bonuses and golden parachutes.

— **Steve Fehl**
Colorado Springs

OTHER ISSUES

Churches, nonprofits offer needed services

Is the Fire Department going to be taxed also? Is the Police Department going to be taxed? How about the schools, the museums, the zoo? Ridiculous. It's no less ridiculous to tax the property of nonprofits and churches, which provide services to the community, as is proposed in a ballot initiative this November.

The church is a Fire Department: The presentation of the message of salvation in Christ leads people to accept Christ and be saved from eternal hellfire.

The church is a Police Department: Biblical teaching leads people to live a holy life. The church is a school: Bible classes and even elementary through high school classes are offered. The church is a soup kitchen and the ecumenical social ministries food cupboard.

And has anyone done a study of how much the nonprofits use community services compared to other segments of society? If use is the reason for taxation, taxation should be proportionate to use.

And will the nonprofits be represented on the City Council, the House, the Sen...? Some years ago back east there was a tea party to ensure that.

— **Anne W. Wagner**
Colorado Springs

A sunshine high is OK; a marijuana high is not

"And stoners at a picnic table passed around a big joint." This sentence was part of an April 3 feature story headlined "Sunny days bring on outbreak of spring fever."

I don't know if this strikes anyone else as inappropriate, but I found it extremely so. I did not enjoy reading an article that started so blameless (talking to sun worshipers), then went to stoners as if they are an innocent part of the rites of spring.

As far as I know, smoking marijuana is still against the law, and therefore, not an innocent rite of anything.

If this is such a common occurance in Acacia Park, maybe the police should take notice.

— **Genie R. Brainerd**
Colorado Springs

Romer's veto tried to appease — but failed

Governor Romer's recent veto of the "same-sex marriage bill" was almost comical, watching him obey the homosexual lobby while passing himself off as a friend of family values.

Romer says Colorado policy should not be dictated by outside governments. Yet he vetoes a bill which only said that Colorado would not have its marriage policies imposed on by events in Hawaii or elsewhere. Romer labels as an incomplete solution a bill both complete and unambiguous, which merely would have solidified existing statutes.

He mentions discrimination, although that makes as much sense as a non-veteran claiming discrimination because he or she doesn't qualify for the G.I. Bill. There is no discrimination in being denied benefits for which you do not qualify.

In fact, most functions of legal marriage can be accomplished through contracts, durable powers of attorney or advance directives. What homosexual activists are actually seeking is affirmation of their sexual conduct — and so will other sexual orientations if we abandon our historic definitions.

— **Will Perkins**
Chairman, Colorado for Family Values
Colorado Springs

6/26

Unitarian Universalists OK same-sex unions

INDIANAPOLIS — The Unitarian Universalist Association yesterday became the first religious denomination to endorse same-sex marriage.

A 97 percent majority voted for the resolution, "In support of the right to marry for same-sex couples," as the association's General Assembly finished its annual five-day meeting.

A Hawaii court's decision to consider the legal status of the marriage of two men rekindled debate on same-sex marriage in recent months. Conservatives have pushed bills that would limit the definition of marriage to a union between one man and one woman. *(AP)* Den. Post

...his ever since the issue came to ... involved in some pretty convo... ed, very expensive lawsuit...

Same-sex marriage is actually quite a simple issue: Public just says no

MIKE ROSEN

House Bill 1291, passed by the people's Legislature, reaffirmed Colorado's long-standing policy of denying state certification to marriages between two people of the same sex. It was vetoed by Gov. Roy Romer.

What makes it necessary and timely to reaffirm this policy, now, is the likelihood that Hawaii will soon make same-sex marriages legal in that state. As specified in Article IV, Section 1 of the U.S. Constitution: "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State." In other words, a heterosexual couple married in New York is regarded as legally married in Colorado. By the same token, if a homosexual couple from Denver were to travel to Hawaii to be legally married, upon their return that marriage would have to be honored in Colorado.

If that's not what we want, the surest way to prevent Hawaii from imposing its values on us is to clarify and strengthen our laws in this area. And that's precisely what HB1291 did. Although current Colorado law defines marriage as between a man and a woman, it also goes so far as to expressly prohibit certain kinds of marriages, like those involving bigamy or incest. Homosexual marriages are not among those prohibited. HB1291 dispelled any ambiguities. First, it added same-sex marriages to the list of those prohibited and, second, it additionally stated that marriages performed in other states (like Hawaii) would not be recognized in Colorado if they were of the kind specifically prohibited in this state.

Romer echoes the cry of gay activists that there's no rush and that we don't have to worry about Hawaii. We should wait, they say, while we form a commission to study the issue's many complexities. It's hard to take that advice seriously when it comes from people who would like nothing better than to see Hawaii's imminent policy become law in Colorado.

Same-sex marriages are not now legal in Colorado. Had the governor signed this bill, nothing would have changed. They still wouldn't be legal. So, why did he veto it? It can't be a question of values. When gay issues come up during the governor's appearances on my radio show, I've asked him on numerous occasions whether he approves of same-sex marriages. He's always answered no.

In the shrewdly crafted wording he used to justify his veto, Romer plays a game of semantics, splitting hairs between heterosexual marriages and homosexual unions. Why all the tap dancing? Because gay activists have a lot of influence in the Democratic party, and Romer is a Democrat — with political ambitions. State-certified same-sex marriages is clearly an item on the gay political agenda. Bill and Hillary are big on gay political causes, like homosexuals in the military. Romer's signature on HB-1291 would have put him on the gay blacklist for a Cabinet post in what could be a second Clinton administration.

Declaring the bill "simplistic," Romer called on the Legislature to, instead, draft a revolutionary bill that would be fabulously complicated, first studying, then defining and codifying same-sex relationships as they apply to inheritance, adoption, guardianship, employee benefits and who knows what else.

Romer claims that had he signed HB1291, he would have lost leverage in pressuring the Legislature to address the complexities of same-sex unions. That's no doubt true but, outside of gay activists and a few liberals, it's only because the general public doesn't consider it a very high priority. I don't recall this as a major theme in the governor's last campaign.

HB1291 wasn't simplistic; it was a straightforward expression of the public will, which Romer is holding hostage to the long-term, complex and contentious agenda of gay activists.

Public preference against same-sex marriages isn't about hate; it's about traditional morality and the disapproval of certain kinds of behavior, whatever the reason for it. In "Fiddler on the Roof," Tevye, a traditionalist, resisted but eventually resigned himself to one daughter's wish to pick her own husband, and another's to run off to Siberia with an unemployed communist.

When his third daughter asked for his blessing on her marriage to a Cossack outside the faith, Tevye just couldn't bring himself to go that far. Our society, in recent years, has shown great tolerance and increased acceptance of homosexuality, while continuing to withhold its outright approval. Like Tevye, however, it has its limits. At least for now, same-sex marriages — or unions, as the governor prefers to call them — is a step too far.

Rosen's radio talk show can be heard on 85-KOA radio in Denver, weekdays from 9 a.m. to noon.

THIS WEEK UNDER THE DOME

Lawmakers cool to Romer's gay marriage plan: Gov. Roy Romer followed his veto of a bill banning same-sex marriages with an appeal for "a rational discussion on these issues." But lawmakers on each side of the issue don't appear eager to do anything with his suggestion.

COLORADO LEGISLATIVE SESSION

After vetoing the bill Monday, Romer said he would be willing to sign legislation creating a commission to study ways the law could recognize same-sex unions while reinforcing support for marriages between men and women. But the proposal includes something for each side to dislike.

Rep. Marilyn Musgrave, R-Fort Morgan, who sponsored the vetoed bill, said she's "not interested in carrying the governor's bill. I don't like it, and I'm not going to carry it."

Sen. Pat Pascoe, D-Denver, who opposed Musgrave's bill, said she didn't like the part of Romer's proposal that would say, "It is the strong public policy of Colorado that marriage shall only be between a man and a woman."

"I would not put that in any bill," Pascoe said.

Gay-rights activists also were cool to Romer's suggested legislation, though they still were happy with his strongly worded veto.

GAY, LESBIAN MARRIAGE

Same-sex ban is like ban on interracial couples

I'm a bit confused. What is HB1291's ban on same-sex marriage really about? What possible interest could the state have in same-sex marriages? It reminds me of the laws preventing interracial marriages. Didn't we get rid of those types of laws a long time ago?

The only reason I can see to ban same-sex or interracial marriages is because they disgust some people. If that was the reason for this bill, then we might as well try banning ugly people from having their picture taken. After all, I'm disgusted by pictures of ugly people.

Some say that it is not natural for same-sex people to be together. Are all of you interracial couples cringing yet? Sound familiar? According to a recent news report, scientists have seen male squids having sex. I don't remember specifics, but scientists have reported this kind of behavior in many different species besides humans.

Yes, it is written in the Bible that we are not to engage in same-sex relationships, but in the same chapter it also says not to lend money for interest and that nobody is to own a particular piece of land for more than seven — or is it six? — years.

Don't forget about the law saying that the brother of a man who has died childless must take his dead brother's wife and get her with child, even if he is already married. These were things written by people more than 2,000 years ago who didn't know how rain worked. If they couldn't explain it, they mysticized it. Why do these self-appointed protectors of our morality do it selectively? Can you see my confusion yet?

— **Matthew A. Tonjes**
Colorado Springs

Rocky M

Greater Denver

Deborah Goeken, Metro Editor — 892-5201 • **e-mail** — metro@denver-rmn.com

Same-sex marriage bill dies

Romer vetoes proposal to ban unions between homosexuals, saying it's mean-spirited

By John Sanko
Rocky Mountain News Capitol Bureau

Calling it mean-spirited and unnecessary, Gov. Roy Romer ended a week of suspense Monday by vetoing a bill banning recognition of same-sex marriages.

1996 LEGISLATURE

INSIDE
■ House backs boost in school funding/**10A**

The decision came after thousands of phone calls, letters and electronic messages inundated his office. The calls, many generated by Colorado Springs groups that supported anti-gay rights Amendment 2 in 1992, were almost 2-to-1 for him to sign the bill.

In vetoing HB 1291, Romer was quick to reassure everyone that it would not change existing law that declares marriage is the union between man and woman.

"I want the people of Colorado to clearly understand that my veto does not mean that same sex marriages will be legal in Colorado," Romer said. "Colorado law is very clear that marriage is reserved for the union of a man and a woman."

But Romer insisted Colorado "can be pro-family, without being unfair to gay and lesbian people. We can re-affirm our commitment to marriage between a man and a woman without condemning those who have different relationships."

The bill, Romer said, was "simplistic and divisive, mean-spirited and unnecessary."

He said he'd be willing to sign a bill that reaffirmed Colorado's existing law that marriage was between a man and a woman, provided that it set up a commission to study if legislation is needed to deal with same sex marriages.

Rep. Marilyn Musgrave, R-Fort Morgan, sponsor of the bill, said she had no interest in introducing a bill like that — "I'll carry the bill of my choosing, and HB 1291 was the one I chose."

Musgrave, who said she wasn't sure whether she'd try a similar bill next year, criticized Romer for ignoring overwhelming public support and said "it's obvious he isn't running for higher office."

Romer, who is in his third and final four-year term, received 12,238 phone calls in support and 6,964 calls against.

"I've had a pretty clear mind on this ever since the issue came to me," Romer said.

The bill that Romer indicated he would sign was offered by Sen. Dottie Wham, R-Denver. Her amendment — killed by liberals who hated the bill and conservatives who supported it — would have reaffirmed Colorado's marriage law and set up a commission.

House Assistant Minority Leader Carol Snyder, D-Northglenn, said she wished Romer would have emphasized the potential legal costs to the state if Colorado had enacted the legislation.

"Had the bill passed and he signed it, we would have been involved in some pretty convoluted, very expensive lawsuits," Snyder said. "That was one of my major reasons for opposing the bill."

If a study commission is created, she said she hopes it also looks at relationships between elderly couples who live together but do not wish to marry for various reasons, including inheritances for their children.

"A lot of senior citizens — man and woman — are now living together and are not wanting to marry," Snyder said. "But they want to take care of one another in their old age, to make medical decisions, those kinds of things."

MORE ONLINE
http://www.denver-rmn.com

Ellen Jaskol/Rocky Mountain News

Leslie Reed, center, and Sharon Espinoza of Loveland listen to the Rev. Tony Freeman of the Metropolitan Community Church of the Rockies respond to the veto of HB 1291. **Story page 10A**

sex marriage ban advances

Gazette

Senate gives preliminary OK to controversial bill

The Denver Post / John Prieto

BILL DEBATE: State Sen. Charles Duke speaks in favor of a ban on same-sex marriages while Sen. Pat Pascoe, who opposes the measure, looks on.

By Thomas Frank
Denver Post Capitol Bureau

The state Senate gave preliminary approval yesterday to a bill that would ban same-sex marriages, which — if final approval comes today, as scheduled — would make the Colorado Legislature the third in the nation to pass such a law.

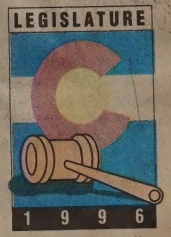
But it remains unclear whether Gov. Roy Romer will sign the bill and put Colorado in the same company as Utah and South Dakota.

Romer, a Democrat, has not said what he would do with the measure but has expressed concern it might be "premature" — an argument Senate opponents used during an emotional 90-minute debate yesterday. Romer's party affiliation seems to portend a veto: Only three of the 40 Democrats in the General Assembly have supported the bill.

The preliminary vote in the Senate yesterday was too narrow to override a veto, as was the vote in the House two weeks ago. In yesterday's Senate vote, Sen. Jim Rizzuto of Swink was the only Democrat to support the measure.

The vote followed a weekend of heavy lobbying and left some senators feeling torn between wanting to affirm their view that a marriage must be between a man and a woman and not wanting to support a bill some described as hateful.

"I think it has some hate in it, otherwise I don't know why it's here," said Sen. Dottie Wham, R-Denver, who walked away from the Senate podium and embraced an opponent of the measure, Sen. Ed Perlmutter, D-Wheat Ridge.



Despite her comments, her reputation as a moderate, and her statement last week that she was leaning against the measure, Wham voted for it, saying, "I didn't have a choice."

Wham said afterward that the public misunderstood the bill and believed that opposing it was tantamount to a vote for allowing same-gender marriages. "I did not want that perception," said Wham, who is up for re-election this year. "I'm reaffirming the fact that I believe marriage is a legal status conferred on a man and a woman."

Wham introduced an unsuccessful compromise amendment, saying, "It became clear that my vote against this bill would become a vote against traditional marriage."

In Colorado, like all states, there is no law recognizing same-sex marriages, but at least 20 legislatures are considering bills to ban them outright because a court case in Hawaii may legalize such marriages there. Both gay-

Please see **MARRIAGES** on 5B

Ban on same-sex marriages advances

MARRIAGES from Page 1B

rights activists and their opponents say all states would be forced to recognize Hawaiian same-sex marriages unless there are strong laws that specifically outlaw them.

"It needs to be explicit," said Sen. Charles Duke, R-Monument, who described HB 1291 as "pre-emptive."

The bill, introduced by Rep. Marilyn Musgrave, R-Fort Morgan, would amend Colorado marriage law to say that "a marriage between persons of the same sex" is "prohibited."

The bill's Senate sponsor, Ben Alexander, R-Montrose, said the measure is aimed at "not letting a policy change in another state dictate to Colorado a change in its policy." He said that if the Hawaii courts or another state legislature approve same-sex marriages while the Colorado Legislature is not in session, "we have opportunity to react to that."

Opponents said the measure was mean-spirited, like laws that once prevented mixed-race marriages. "Where would my wife and I be living today if such a law had not been ruled unconstitutional?" said Sen. Stan Matsunaka, D-Loveland. "I wouldn't be living here. I might be in jail."

The sometimes impassioned speeches gave an indication why the Senate easily defeated the compromise amendment offered by Wham, which sought to maintain current marriage law and create a legislative committee to study the "need for recognition" of same-sex partnerships.

Although the measure won the support of moderates, it was attacked from the left by Sen. Dorothy Rupert, D-Boulder, who called it "basically a mess," and from the right by senators who said it deviated from the original bill's intent.

Alexander said the amendment "totally changes the objective of this bill." And Sen. MaryAnne Tebedo, R-Colorado Springs, said, "I really don't think we have the time to wait, the time to study."

Both supporters and opponents agreed that the question of whether one state must recognize a same-sex marriage from another state will be resolved in federal court, possibly by the U.S. Supreme Court. Alicia Calderon, public policy director for the gay-rights group Equality Lobby, said she was frustrated by the Colorado bill because it seems likely to prevent local homosexuals from getting married in Hawaii while the federal courts are deliberating.

Gee...a gr

Ban on same-sex marriage advances

Senate debate reflects emotions issue packs

By **Angela Dire**/Gazette Telegraph

DENVER — There was the side debate about nature vs. nurture.

There were the solemn recollections of laws against interracial marriage in the 1950s and 1960s, the speeches about traditional values, the rhetoric about states' rights.

For two hours Monday, the Colorado Senate went round and round on the issue of prohibiting same-sex marriages. In the end, by two votes, it agreed to ban something already prohibited in this state and all others. A final Senate vote is expected today.

Banning something already banned may seem odd, but the act may be the next major battleground for gay rights activists and religious conservatives. In many ways, the institution of marriage is a kind of final frontier for both sides. And if the Senate's debate was any indication, it promises to be a winner-take-all battle over that frontier.

1996

COLORADO LEGISLATIVE SESSION

■ Legislative panel kills municipal water-rights bill/**B6**

"There isn't any middle ground," said Sen. Dottie Wham, a Denver Republican who was seen as a swing vote.

She had offered a compromise plan that would have kept the legal definition of marriage "between a man and a woman" but also would have set up a committee to study whether the state needs domestic-partnership laws.

When her proposal failed, Wham reluctantly voted in favor of the ban.

"It makes no difference if it fails or passes,"

See **MARRIAGE**/A3

Marriage/ Hawaii case prompts bill

From A1

she said of the issue. "It will come back. It's not going away."

For a long time, legalizing same-sex unions has been one of the goals of the gay rights movement. And activists have won some victories. San Francisco and other cities allow gay couples to register as domestic partners in nonbinding civil ceremonies. And a smattering of private companies offer gay couples the same benefits they offer married heterosexual couples.

"Couples are couples," said Sean Fitzgerald, director of corporate communications for Levi Strauss in San Francisco. Since 1992, the company has offered health-care and dental benefits to married and unmarried couples — gay or straight.

Still, no state has taken the giant leap of awarding a marriage license and all its benefits — from inheritance to joint income tax returns — to gays. A pending court battle in Hawaii, however, could change that.

Three gay couples there have sued the state for marriage licenses. And the Hawaii Supreme Court already has decided that the state's ban on same-sex marriages may violate that state's Constitution. It has sent the issue back to a lower court for trial in August.

Hawaii's actions are significant for other states because of the "full faith and disclosure clause" of the U.S. Constitution. It says states will honor one anothers' public records and proceedings — including marriages.

Many conservatives argue that the Hawaii case could allow courts to force states to do something that no legislature has been willing to do.

Nor does there appear to be great public support for changing the law: Opinion polls show most Americans oppose legalized same-sex marriage.

Nevertheless, Evan Wolfson, a staff attorney for the Lambda Legal Defense Fund — a New York organization that represents homosexuals in legal issues — says the public is ready for a "serious, well-informed discussion about something most Americans have never really had a chance to think about."

Fearful that gay couples will rush to Hawaii to marry if the courts rule that they can, conservative Christian groups are mounting a campaign to keep other states from recognizing same-sex marriages performed anywhere. Two states already have such laws.

"We've worked in a number of states and we're also working here in Congress on federal legislation," said the Rev. Lou Sheldon, executive director of the Traditional Values Coalition in Washington, D.C., who sees the battle over same-sex marriage as "a defining moment in American history."

In the Colorado Legislature, proponents of the ban on same-sex marriage have played down the issue of morality, choosing to frame the debate as a states' rights issue.

"This bill is not about religious morality, co-habitation or whether gays and lesbians are bad people," said Sen. Ben Alexander, R-Montrose, co-sponsor of the bill. "It simply says that we should control our own policy."

But try as he did, Alexander couldn't keep the debate focused on that narrow issue. One by one, senators debated everything from a study on gay men's brains to whether or not Colorado is "the hate state."

Gay rights groups branded Colorado with that label after approval of Amendment 2, a constitutional ban on laws that protect gays from discrimination based on their sexual orientation. Colorado voters approved the measure by 52 percent. But nine days after it passed, gay rights activists filed a lawsuit to stop it and it has been tied up in litigation ever since. It's being reviewed by the U.S. Supreme Court.

The irony is, the state could find itself in the same position with same-sex marriage. "I can't promise a lawsuit," said Patrick Steadman, an attorney for Equality Lobby, a statewide gay rights group. "But once again, we see gays and lesbians being fenced out from equal participation, and what did we do the last time we were in that position?"

WHAT'S NEXT

The Senate will take a final vote today, then the House must approve any changes the Senate has made to the bill. If the two houses can agree, then the bill goes to Gov. Roy Romer for his signature. Romer hasn't taken a position on the issue.